IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 31926 of 2006(A)

OS.609/2001 of PRL.M.C.,KOZHIKODE-II
.....

PETITIONER:

THAZHADAKANDI ASSAYIN HAJEE,
AGED 68 YEARS, S/O.MOIDEEN KOYA,
"ATHANIKKAL", NELLIKODE AMSOM AND DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS:

THAZHADAKANDI ABOOBACKER HAJEE,
45 YEARS, S/O.MOIDEEN KOYA, "KOYAPURATH",
VALAYANAD AMSOM AND DESOM, KOZHIKODE TALUK.

BY ADV. SMT.PRABHA R.MENON
SRI.M.KRISHNAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Ext.P1:- True copy of plaint in O.S.609/2001 Munsiff (P) Kozhikode.

Ext.P2:- True copy of Affidavit of the petitioner/OS 609/01.

Ext.P3:- True copy of plaintiffs affidavit in OS 609/01.

Ext.P4:- True copy of plaintiffs Additional Affidavit.

Ext.P5:- True copy of medical records of the petitioner reg, his Urological ailments.

Ext.P6:- True copy of medical records of the petitioner reg. His Varicose ailments.

Ext.P7:- True copy of IA 3428/2006 by D1/petitioner for amendment of Written statement in OS 609/01.

Ext.P8:- True copy of amended written statement in OS 609/01.

Ext.P9:- True copy of dismissal order in IA 3428/2006 in OS No.609/01.

Ext.P10:- True copy of IA 3333/2006 to receive documents in OS No.609/01.
Ext.P11:- True copy of dismissal order in IA 3333/2006 in OS No.609/01 dt. 22/11/06.

Ext.P12:- True copy of affidavit in IA 3375/06 for adjournment in OS No.609/01.

Ext.P13:- True copy of IA 3459/2006 to exempt production of carbon copy of order sought to be reviewed in OS No.609/01.

Ext.P14:- True copy of Review Petition IA 3460/06 in O.S.609/01.

Ext.P15:- True copy of IA 3461/06 for marking the regd. Documents as Exhibits B1 to B3 in OS No.609/01.

M.Sasidharan Nambiar.J.

W.P.(C)© No.31926 of 2006

Dated, this the 19th day of December, 2006

JUDGMENT

Petitioner is the defendant and respondent the plaintiff in O.S.609/01 on the file of Munsiff Court, Kozhikode. This petition is filed under Article 227 of the Constitution of India challenging Ext.P9 and P11 orders. Under Ext.P9, the application filed by the petitioner to amend the written statement was dismissed. Under Ext.P11 the application filed by petitioner to receive further documents was dismissed.

2. Learned counsel appearing for petitioner and respondent were heard.

3. It is submitted by both the counsel that evidence has been recorded and the case now stand posted for judgment. It is submitted by both the counsel that the trial court may be directed to receive the document and mark the same as evidence has already been recorded and the suit may be disposed without permitting either of the parties to adduce further evidence.

This Writ petition is disposed directing the learned Munsiff to mark the documents as sought for in I.A.3461/06 and dispose the suit in accordance with law. Parties are not entitled to adduce further evidence.

M.Sasidharan Nambiar
Judge

Tpl/-